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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 25 May 2007 from the Permanent Mission of Guatemala to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Guatemala to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, in response to the note verbale dated 20 April 2007, has the honour to transmit herewith the national report of the Republic of Guatemala submitted in compliance with resolutions 1737 (2006) and 1747 (2007), and contained in the note dated 25 May 2007 (see annex).

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Annex to the note verbale dated 25 May 2007 from the Permanent Mission of Guatemala to the United Nations addressed to the Chairman of the Committee

Report of Guatemala on resolutions 1737 (2006) and 1747 (2007) on non-proliferation in the Islamic Republic of Iran

In accordance with the letter SCA/4/07 (03) from the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), the Government of Guatemala has the honour to report simultaneously on the measures taken in connection with the implementation of the sanctions imposed by the United Nations on the Islamic Republic of Iran, pursuant to paragraph 19 of resolution 1737 (2006), and paragraph 8 of resolution 1747 (2007).

The present report was prepared by the Ministry of Foreign Affairs with inputs from the Ministry of the Interior, Ministry of Defence, Ministry of Energy and Mines, Department of Taxation, Superintendency of Banking and the Office of Migration.

The competent Government agencies have been informed of the provisions of the above-mentioned resolutions and will therefore refrain from establishing technical or military contacts with the Islamic Republic of Iran, specifically for the transfer directly or indirectly from the national territory or by Guatemalan nationals of all items, materials, equipment, goods and technology, whether or not originating in Guatemala, which could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems, in accordance with the provisions of paragraph 3 (a), (b), (c) and (d) and of paragraph 5 (a), (b), (c) and (d) of resolution 1737 (2006).

The Ministry of Defence will maintain aerial, land and maritime surveillance to prevent the transfer of any material that could be used to assist Iran in strengthening its nuclear programme.

For its part, the Department of Energy of the Ministry of Energy and Mines will monitor companies that import, export or use radioactive sources. Such companies are required to consult with the Department prior to any such transaction. Companies are subject to periodic inspections and are required to obtain the appropriate licence from the Department. The Department is also currently participating in the elaboration of the regulations for the handling of dangerous materials in the country's ports. These regulations also cover radioactive materials and could therefore be an effective tool for strengthening existing control systems.

The Ministry of Energy and Mines is in constant communication on nuclear matters with the regulatory authorities of Guatemala's neighbours with a view to facilitating timely notification when regulated and unregistered radioactive materials are being transferred, in observance of the Code of Conduct on the Safety and Security of Radioactive Sources and the Supplementary Guidelines on the Import and Export of Radioactive Sources.

In addition, the Ministry of Energy and Mines, as the regulatory body for radiation protection and safety, implements the protective measures provided for in the national legislation that are consistent with the applicable international norms. Work is also being done to develop a system of strict controls to determine the place

of origin of radioactive materials entering the country in order to implement and comply with the provisions of resolutions 1737 (2006) and 1747 (2007).

A special licence and compliance with the radiation protection and safety regulations are first required for the export or import of any material or equipment that generates ionizing radiations.

In the area of customs, Decree No. 1-98 of the Congress of the Republic entrusts the Department of Taxation with exclusive responsibility for the administration of the national customs regime, in accordance with the law and with international agreements and treaties ratified by Guatemala.

Consistent with the above, article 6 of the Central American Uniform Customs Code (CAUCA) provides that the customs service shall be comprised of the public bodies empowered by the national law to implement the customs regulations, ensure its correct application, and facilitate and monitor the relevant aspects of international trade. Pursuant to this provision, the customs service, in accordance with article 4, paragraphs (i) and (k), of the Regulations of the Central American Uniform Customs Code (RECAUCA), implements the foreign trade tariff and non-tariff regulations and, when necessary, prevents the entry into or departure from the national territory of goods whose import or export is prohibited.

In this connection, article 40 of CAUCA states that articles whose import or export is prohibited shall be retained by the customs authority and, where appropriate, placed at the disposal of the competent authority. Similarly, article 41 of the above-mentioned Code provides that explosive, inflammable, corrosive, contaminating, radioactive and other dangerous goods shall not be allowed entry into the national territory without prior permission from the competent authority.

In this connection, the customs authorities have taken due note of the restrictions laid down by resolutions 1737 (2006) and 1747 (2007) and, in the discharge of their functions, will also abide by the provisions of the documents cited in the resolutions.

The Office of Migration will use the special mechanism of "consulted visas" to control the entry into the country of participants in nuclear activities or in activities related to ballistic missiles of the Islamic Republic of Iran.

The Information Division of the Office of Migration has entered the information contained in the annexes to resolutions 1737 (2006) and 1747 (2007) into its database and will provide timely notification to the Committee of the entry into or transit through the territory of the designated persons.

Where it is confirmed that a person is linked to terrorist activities based on the profile established in the above-mentioned resolutions, entry into the national territory will be denied and any subsequent action taken will be governed by the international instruments in the field of human rights and international humanitarian law.

With regard to the freezing of funds, it has been determined that to date there are no funds, financial assets or economic resources in the national territory that are the property or under the control of the persons or entities designated in the annexes, and who are directly linked to or who provide support for the nuclear activities of Iran that pose risks in terms of proliferation or the development of

delivery systems for nuclear arms, or persons or entities acting on their behalf or under their direction.

The relevant authorities have nevertheless been informed of the provisions of paragraph 12 of resolution 1737 (2006) so that they could take timely action to prevent funds, financial assets or economic resources from being transferred to persons or entities in the national territory who support the above-mentioned objectives.